

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/711,486	09/21/2004	James S. Dunn	BUR920040097US1	5485
45601 7:	590 09/28/2006		EXAMINER	
•	OTT, MURPHY & PR	KIM, SU C		
400 GARDEN GARDEN CIT	Y, NY 11530		ART UNIT PAPER NUMBI	
	,		2823	
			DATE MAILED: 09/28/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
Office Action Summary		10/711,486	DUNN ET AL.	
		Examiner	Art Unit	
		Su C. Kim	2823	
Period fo	The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address	
A SHO WHIC - Exter after - If NO - Failui Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DA SISION of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim iiil apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D. (35 U.S.C. § 133).	
Status				
2a) <u></u>	Responsive to communication(s) filed on <u>21 Sec</u> This action is FINAL . 2b) This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro		
Dispositi	on of Claims			
5) 6) 7)	Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-26 are subject to restriction and/or expressions.	vn from consideration.		
Applicati	ion Papers			
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Example 2.	epted or b) objected to by the fidrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).	
Priority ι	ınder 35 U.S.C. § 119			
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
Attachmen	t(s)			
2) Notice 3) Information	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Do 5) Notice of Informal P 6) Other:	ate	

Application/Control Number: 10/711,486

Art Unit: 2823

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-25, drawn to a method of fabricating a semiconductor device, classified in class 438, subclass 235.
 - Claim 26, drawn to a semiconductor device, classified in class 257, subclass 197.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by oxide utilizing by wet or dry thermal oxiditaion process temperature from 700 to 800 °C

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I, drawn to the first embodiment, the manufacturing process according Figs. 1A-1H.

Application/Control Number: 10/711,486

Art Unit: 2823

Species II, drawn to the second embodiment, the manufacturing process according Figs2A-2I.

The species are independent or distinct because they required different search that is independent one form the other.

- 3. Applicant are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none generic.
- 4. 4Applicant are advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicants traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

Art Unit: 2823

case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The inventions are distinct, each from the other because of the following reasons:

5. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Su C. Kim whose telephone number is (571) 272-5972.

The examiner can normally be reached on Monday - Thursday, 9:00AM to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/711,486

Art Unit: 2823

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Su C. Kim 8/21/2006

> BROOK KEBEDE PRIMARY EXAMINER

Page 5